

REGULATION

SPDOC No.: 03-36	Effective Date: November 9, 2003	Index Reference: Employment Preference	Regulation Number: 2.01
Issuing Bureau: Human Resource Services	Rule Reference: Rules: 2-4 (Layoffs) 2-5 (Employment Preference)		Replaces: Reg. 2.01 (CS-6984, August 26, 2002)
Subject: IMPLEMENTING A REDUCTION IN FORCE FOR NONEXCLUSIVELY REPRESENTED EMPLOYEES			

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1. **PURPOSE**

This regulation establishes standards, guidelines, and procedures for implementing staff reductions of nonexclusively represented employees (NEREs).

2. **CIVIL SERVICE COMMISSION RULE REFERENCE**

Rule 2-4 Layoffs

2-4.1 Reasons for Layoff

An employee may be laid off for reasons of administrative efficiency, including, for example, lack of work, lack of adequate funding, change in departmental mission, or reorganization of the work force.

2-4.2 Notification

An appointing authority shall give prior written notice to an employee who is laid off.

2-4.3 Procedure for Making Layoffs

An appointing authority shall lay off employees in accordance with the civil service rules and regulations governing employment preference.

Rule 2-5 Employment Preference

2-5.1 Application and Protection

(a) Application. *Unless otherwise provided in an approved departmental layoff plan, an employee can apply employment preference only within the employee's current (1) principal department or autonomous entity, (2) county of employment, and (3) employee status code. However, an employee cannot apply preference against a position or classification that is protected from the application of employment preference:*

(b) Limited-term appointments. *An employee is not eligible to exercise employment preference or to be placed on a recall list at the end of a limited-term appointment, unless the employee meets one of the following criteria:*

(1) *An employee with status gained from an indefinite appointment who accepts or receives a job change to a limited-term appointment may exercise employment preference at the end of the limited-term appointment. Employment preference begins at the last classification level at which the employee achieved status in an indefinite appointment before accepting the limited-term appointment. Employment preference may be exercised only within the principal department or autonomous agency that appointed the employee to the limited-term appointment.*

- (2) *A person who is recalled on a limited-term basis is not eligible to exercise employment preference at the end of the limited-term appointment but shall be returned to all recall lists for which the employee is eligible.*
- (c) **Protected positions.** *An employee occupying a protected position cannot be displaced from the employee's current position by another employee exercising employment preference. An employee in a protected position does not lose the right to apply employment preference to an unprotected position if the employee's protected position is abolished. The following positions are protected positions:*
- (1) *All positions in senior executive service (SES) classifications, including positions in SES-eligible classifications.*
 - (2) *All positions in ECP Group 4 classifications.*
 - (3) *All positions in senior executive management assistant service (SEMAS) classifications.*
 - (4) *Any other position designated as protected in any other civil service rule or regulation.*
- (d) **Departmental layoff plans.** *The department of civil service may approve a departmental layoff plan that varies the application of employment preference within a department or autonomous agency. An approved departmental layoff plan may vary the application of employment preference in the following areas only.*
- (1) *The application of county preference based on organizational or geographic limits.*
 - (2) *The application of employment preference between recognized autonomous entities of a principal department.*
 - (3) *The application of employment preference into additional positions in class clusters approved by the appointing authority and the department of civil service.*
 - (4) *The application of employment preference between eligible employee status codes.*

2-5.2 Determination

Employment preference is determined by an employee's total continuous service.

- (a) **Ranking employees with identical service.** *If two or more employees have equal total continuous service, the appointing authority shall rank each employee by evaluating factors such as fitness for the position, education, experience, behavior, and performance. An employee receiving a higher ranking is considered to have greater employment preference. An employee cannot appeal a ranking to the department of civil service or the civil service commission unless the ranking violates rule 1-8 [Prohibited Discrimination].*

- (b) **Loss of employment preference.** An employee who separates from the state classified service by methods other than a leave of absence, suspension, or layoff, loses any total continuous service accumulated before that separation.*
- (c) **Effect of status.** An employee with status from current employment, regardless of the classification at which status was attained, has greater employment preference than an employee without status.*

2-5.3 Qualification

An employee may apply preference against a least senior position if all of the following eligibility criteria are met:

- (a) **Position and eligibility.** An employee may apply preference (1) to a least senior position in a classification or class series in which the employee is serving or (2) to a least senior position in a classification or class series at or below the classification in which the employee previously attained status.*
- (b) **Subclasses.** If subclass codes have been assigned to the least-senior position, the employee may apply preference only if the employee has been assigned one or more of the same subclass codes in the same classification or class series at or above the classification of the least senior position.*
- (c) **Selective position requirements.** If selective position requirements have been established for the least senior position, the employee is eligible to apply preference only if the employee meets the selective position requirements.*

2-5.4 Employee Rights to Apply Preference

An employee may apply preference only against another position within the employee's current (1) principal department or autonomous entity, (2) county of employment and (3) employee status code, unless otherwise permitted in an approved departmental layoff plan. An employee can apply preference to the least senior position for which eligible in the following order:

- (a) The least senior position in the employee's current classification.*
- (b) The least senior position at a lower classification in the current class series or, alternatively, to the same or lower classification in a former class series in which the employee attained status, at the level that will minimize loss of pay.*

2-5.5 Application of Employment Preference between Employees Covered by a Collective Bargaining Agreement and Employees not Covered by a Collective Bargaining Agreement

Application of employment preference between employees covered by a collective bargaining agreement and employees not covered by a collective bargaining agreement is subject to the following additional conditions:

- (a) **Qualification.** An employee may only displace a less senior employee in a position for which qualified in a classification in which the employee has previously attained status.*

- (b) **Application; exhaustion.** *An employee not covered by a collective bargaining agreement must first exhaust all bumping rights to other positions held by employees not covered by a collective bargaining agreement. After exhausting all such rights, the employee not covered by a collective bargaining agreement may then bump into the position covered by a collective bargaining agreement that minimizes loss of pay, subject to the terms and conditions of the collective bargaining agreement. If a collective bargaining agreement expressly provides for exclusively represented employees covered by the agreement to bump into positions not covered by an agreement, they may do so only after exhausting all bumping rights under the agreement, and then in accordance with this rule. When more than one employee covered by a collective bargaining agreement is eligible to bump into a position not covered by a collective bargaining agreement, the most senior employee receives bumping rights.*
- (c) **Total continuous service.** *Employment preference is determined by an employee's total continuous service.*
- (d) **Limitation on seniority.** *A collective bargaining agreement cannot prohibit an employee who accepts a supervisory position or any other employee who is not covered by a collective bargaining agreement from exercising employment preference into a position covered by the agreement. In such bumping situations, seniority earned outside the unit applies, except as limited by any collective bargaining agreement provisions in effect on January 23, 1983. This subsection only applies after the employee exhausts rights to displace other employees not covered by a collective bargaining agreement.*
- (e) **Grievances.** *A grievance based on the application and adverse effects of this rule is filed, processed, and resolved under the grievance procedure provisions that are applicable to the position into which the exercise of employment preference has occurred or is scheduled to occur. This rule does not preclude a nonexclusively represented employee from filing a standard grievance, even after bumping into an exclusively represented position, if the employee contends a denial of the right to displace another nonexclusively represented employee.*

2-5.6 Effective Date

The employment preference rights of an employee laid off or displaced before the effective date of any amendment to the rules or regulations are determined by the civil service rules and regulations in effect at the time of layoff or displacement.

3. DEFINITIONS

A. Civil Service Commission Rule Definitions

1. **Appointing authority** means each of the following:
 - (a) *A single executive heading a principal department.*

- (b) *A chief executive officer of a principal department headed by a board or commission.*
 - (c) *A person designated by either of the preceding as responsible for administering the personnel functions of the department, board, commission, or agency of convenience.*
- 2. ***Autonomous entity*** means an executive branch organization or function established by law within a principal department, but specifically directed by law to be a separate independent unit, with the intent that its authority, powers, duties, and responsibilities, including personnel, budgeting, procurement, and management-related functions be exercised free from the direction and supervision of the principal department.
- 3. ***Class series*** means a series of classifications with similar but progressively more responsible job duties.
- 4. ***Creditable time*** means each of the following:
 - (a) *Time in a career appointment. The following times are counted as creditable time:*
 - (1) *Time in an indefinite appointment that is interrupted by a layoff.*
 - (2) *Time in a career appointment that is interrupted by a leave of absence.*
 - (3) *Time in a career appointment that ends as a result of a voluntary, non-disciplinary, nonretirement separation that is immediately followed by appointment to another classified position without a break in service (e.g., resign on Friday and start to work on the next Monday).*
 - (b) *Time in a position in the unclassified service if the appointing authority granted a leave of absence for the unclassified appointment. The time is creditable to the classification level from which the leave was granted.*
 - (c) *Time on a military leave of absence, including temporary and emergency military leave, if authorized by civil service rule or regulation or required by federal law.*
 - (d) *Time for emergencies, transients, and expiration of limited appointments prior to January 1977, providing they are not followed by a separation.*
 - (e) *Time on a paid leave of absence.*
- 5. ***Current employment period*** means the period of state employment that began with service that is creditable for employment preference

purposes and that has not been interrupted by a separation or break in service.

6. **Employment preference** means a process for determining an employee's rights when a reduction in force occurs.
7. **Frozen** means a classification or a position to which an appointing authority is prohibited from making an appointment without prior review and approval of the department of civil service.
8. **Lateral job change** means the authorized movement of an employee to a different position (1) in the same classification or (2) in a different classification at the same classification level.
9. **Least senior position** means (1) a vacancy that the appointing authority intends to fill or, (2) lacking a vacancy, the position occupied by the person with the least total continuous service.
10. **Noncreditable time** means each of the following:
 - (a) Time preceding a separation, dismissal, retirement, or other break in service from state employment, unless expressly defined as creditable time.
 - (b) Time on an unpaid leave of absence, including, for example, medical leave or educational leave.
 - (c) Time on an unpaid suspension.
 - (d) Overtime in excess of 80 hours in a biweekly pay period.
 - (e) Time in a noncareer appointment.
 - (f) Military service time that is creditable for retirement only.
 - (g) Lost time.
 - (h) Time in layoff status.
11. **Nonexclusively represented position** means (1) an excluded position or (2) an eligible position in a unit that has not elected an exclusive representative.
12. **Principal department** means one of not more than 20 executive branch departments provided for by article 5, section 2, of the constitution.
13. **Selective position requirements** means specific qualifications that are narrower or more limited than those generally associated with a position and that are determined to be essential for performance of the duties of a specific position.
14. **Subclass** means additional specialized experience, specialized training, licensure, or other specialized qualification that is required for appointment to a specific subgroup of positions.

15. ***Total continuous service** means the number of paid hours of creditable time compiled during a current employment period. Total continuous service includes creditable time but does not include noncreditable time.*

B. Additional Definitions as used in this Regulation

1. **Bumping** means the process by which an employee displaces another, or is placed in a vacant position, through application of employment preference.
2. **Departmental layoff plan** means a layoff plan that varies the application of employment preference in any of the following areas: County preference based on organizational or geographic limits; employment preference between recognized autonomous entities of a principal department; employment preference into additional positions in class clusters approved by the appointing authority and the Department of Civil Service; or employment preference between employee status codes.
3. **Minimizing loss of pay** means allowing application to the least senior position in a classification, which provides the least loss of pay. Other compensation factors (i.e., overtime, shift differential, special pay premiums) are not considered in this application.
4. **Protected position** means a position that is protected from application of employment preference, including positions in Senior Executive Service (SES) and SES-eligible classifications; positions in Group 4 classifications of the Equitable Classification Plan; positions in Senior Executive Management Assistant Service (SEMAS) classifications; and any other position designated as protected in any other civil service rule or regulation.
5. **Reduction in force (RIF)** means an action taken by an appointing authority to layoff, demote, or otherwise displace an employee for reasons of administrative efficiency, including, for example, lack of work, lack of adequate funding, change in mission, or reorganization of the work force.
6. **Seniority** means "total continuous service," as described in rule 2-5.5(c).

4. STANDARDS

A. Application of Preference.

1. Preference must be applied in accordance with rule 2-5.
2. Departments that have an approved departmental layoff plan must apply preference in accordance with that plan.

3. Departments are encouraged to review their departmental layoff plans for compliance with regulation 2.02 [Departmental Layoff Plans]. Any departmental layoff plans or changes to existing departmental layoff plans must be approved by the Department of Civil Service at least 28 calendar days prior to implementation of a RIF.

B. Management Rights and Responsibilities.

1. Management will determine where positions will be eliminated in an organization for reasons of administrative efficiency including, for example, lack of work, lack of adequate funding, change in departmental mission, or reorganization of the workforce.

The time frames for the freeze of information used in the determination of employment preference are as follows:

- a. Selective position requirements and subclass code assignments are those that are in effect 28-calendar days before implementing the (RIF).
 - b. The appointing authority shall establish the effective freeze date for information about continuous service hours (seniority), classification actions (reclassifications, establishments, frozen positions, etc.), and selection actions (appointments, job changes, etc.). This date must be uniformly applied for this information and may not be more than 28 calendar days before implementing the RIF.
2. Departments may offer the opportunity for voluntary layoffs to satisfy their reduction needs. Such employees are entitled to recall in accordance with civil service rules and regulations.
 3. Departments may reassign the more senior employees in a classification, county, or work shift, whenever practical, before application of employment preference so that the effects of layoff, relocation, or reduction in classification level are applied to the least senior employees, unless modified by an approved departmental layoff plan.
 4. Once employment preference rights have been determined and notices of the RIF action have been provided to the affected employees, the department does not need to revise or change its bump chain based on changes in employees' decisions regarding the exercise of preference.
 5. Factors used must be equitably and consistently applied by the appointing authority.

C. Employee Rights to Apply Preference.

1. The application of employment preference is within the county of employment, unless otherwise modified in an approved departmental layoff plan.
2. An employee can only bump within the current employee status code, unless otherwise modified in an approved departmental layoff plan.
3. An employee in an indefinite appointment who accepts a limited-term appointment may apply preference upon expiration of the limited-term appointment at the former indefinite classification and classification level.
4. All entry through experienced classification levels within a series are grouped as though they are one. The least senior employee within the class series is bumped first, regardless of the specific classification level.
5. A probationary employee without status who is laid off cannot exercise employment preference.

D. Employment Preference for State Transitional Professional, Departmental Trainee, and State Transitional Business and Administrative Technician Positions.

1. When determining the application of employment preference into State Transitional Professional, Departmental Trainee, and State Transitional Business and Administrative Technician positions, the standards below are followed:
 - a. Identified State Transitional Professional and Departmental Trainee positions are converted to the appropriate professional classification series. Identified State Transitional Business and Administrative Technician positions are converted to the appropriate technician classification series. All entry through experienced classification levels within a series are grouped as though they are one. The least senior employees within the class series would be bumped first, regardless of classification level.
 - b. Regardless of the classification level of the employee being bumped, the employee applying preference is immediately classified at the classification level for which eligible.
 - c. The pay protection applied to the employee in a State Transitional Professional, Departmental Trainee, or a State Transitional Business and Administrative Technician position is not available to the employee bumping into the position.

2. When determining the application of employment preference from State Transitional Professional, Departmental Trainee, or State Transitional Business and Administrative Technician positions, the standards below are followed:
 - a. An employee bumped from a State Transitional Professional, Departmental Trainee, or State Transitional Business and Administrative Technician position first applies preference to positions in the classification level held before appointment to the transitional or trainee position (if a non-bargaining unit classification). Then, preference is applied to other classifications at that level and below in which the employee previously attained status.
 - b. An employee who has completed the equivalent of two or more years of full time experience in the transitional or trainee classification is also eligible to apply preference to other experienced level classifications in which the employee previously attained status.
 - c. An employee who has completed the equivalent of one to two years of full time experience in the transitional or trainee classification is also eligible to apply preference to other intermediate classifications in which the employee previously attained status.
 - d. An employee with less than the equivalent of one year of full time experience in the transitional or trainee classification is also eligible to apply preference to other entry-level classifications in which the employee previously attained status.
 - e. The pay protection previously afforded the employee in the State Transitional Professional, Departmental Trainee, State Transitional Business and Administrative Technician position is not carried to the new position.

E. State Transitional Manager Position.

A State Transitional Manager position that appears in a bump chain must be converted to the new professional managerial classification to which the employee is moving and employment preference must then be applied to the correctly classified vacant position. The employee in the State Transitional Manager position first applies employment preference to positions in the classification level held before the lateral job change to the transitional managerial position.

F. Frozen Positions.

Frozen positions must be considered in the application of preference. A frozen position that appears in a bump chain must be identified as to its proper classification level before implementation of the bumping. Simultaneously with the bumping, the frozen position must be converted to its proper classification level and employment preference must be applied to the correctly classified vacant position. The employee in the frozen position exercises employment preference beginning at the classification level of the frozen position. If the employee currently in the frozen position meets the minimum qualifications of the position when properly classified, that employee may exercise employment preference at that classification level or in accordance with standard H.2. (2), whichever minimizes loss of pay. See Attachment A for an example of applying this standard.

G. Group 4, Senior Executive Service (SES), and Senior Executive Management Assistant Service (SEMAS).

Employees in affected Group 4, SES, or SEMAS positions applies preference to positions in the classification level held before appointment to the Group 4, SES, or SEMAS position or to positions in a classification level in a former class series for which the employee previously attained status, whichever minimizes loss of pay.

H. Employee Qualification to Apply Preference.

1. An employee applies employment preference only within the employee's current principal department or autonomous entity, unless otherwise permitted in an approved departmental layoff plan. An employee cannot apply preference against a protected position.
2. An employee may apply preference (1) to a least senior position in a classification or classification series in which the employee is serving or (2) to a least senior position at a lower classification in the current class series or, alternatively, to the same or lower classification in a former class series for which the employee previously attained status during the current employment period. Regardless of whether the employee previously attained status at a higher classification level, employment preference can only be applied to positions that result in placement at the employee's current or lower classification level.
3. Once all employee preference rights to NERE classifications have been exhausted, the employee may be eligible to apply preference to a position covered by a collective bargaining agreement, in accordance with rule 2-5.5.

I. Determination of Employee Qualifications.

1. Information that assists departments in making determinations of qualifications consists of, but is not limited to:
 - a. The employee's state employment history record.
 - b. Position information, such as approved selective position requirements and position subclass code assignments, available within the department's personnel office.
2. The department may contact civil service staff at any time for assistance in determining employee qualifications.

J. Determination of Application of Employment Preference (Seniority).

1. The determination of preference must be based on continuous state service as recorded in the Human Resources Management Network (HRMN), adjusted to deduct noncreditable time.
2. If two or more employees have equal total continuous service, the appointing authority shall rank each employee by evaluating such factors as fitness for the position, education, experience, behavior, and performance. An employee receiving a higher ranking is considered to have greater employment preference. An employee cannot appeal a ranking to the Department of Civil Service or the Civil Service Commission unless the ranking violates rule 1-8.
3. An employee having status from current employment, regardless of the classification level at which status was obtained, has greater employment preference than an employee who does not have status.
4. A probationary employee without status who is laid off is considered to have zero hours of total continuous service and cannot exercise employment preference.

K. Effects of Decisions from Grievance, Technical Appeal, etc.

Grievance, technical appeal, court, or other decisions may require application of preference to be reconstructed for certain affected employees. Retroactive reclassifications are not justification for reapplication of preference.

L. Pay.

Application of preference to a classification level other than the current classification level must minimize loss of pay. The maximum pay rate for each classification is used to determine which classification provides the least loss of pay. An employee bumping into a different classification cannot earn more upon entry than the rate earned in the classification from which the

employee bumped, unless the minimum rate of the new classification exceeds that of the existing classification.

M. Notice.

Affected employees must be issued written notice of the RIF no less than 15 calendar days prior to the effective date. The employee must be given at least 7 calendar days to indicate acceptance of an available bump or preference for layoff. If a layoff is delayed due to a court order that is subsequently rescinded or overruled, a second 15-day notice is not required.

N. Guidelines for Determining Eligibility to Apply Employment Preference.

1. Step 1: If the department has an approved layoff plan on file at the Department of Civil Service, determines if the steps contained in these guidelines need to be altered to conform to the provisions of the plans.
2. Step 2: Identify the classifications and classification levels of the positions that are to be abolished.
3. Step 3: Determine the seniority of individuals who will be affected by position abolishments.

- a. A seniority listing of nonexclusively represented employees is needed to accomplish this step. Such a listing can be obtained by requesting a M.I.D.B. Report from the State Budget Office, Office of Financial Management. This list should contain:

Name:	Continuous Service Hours:
Employee Number:	Unclassified Service
Classification and Classification	Hours:
Level:	Military Service Hours:
Position Code:	County Service Hours:
County:	College/University Service
	Hours:

- b. The department should determine if any seniority rankings need to be recalculated due to noncreditable time and recalculate any seniority hours, as necessary, and adjust employment preference ranking as required. A probationary employee without status is considered to have zero hours of total continuous service.
- c. The following steps are required to calculate seniority:
 - (1) Obtain an employment history printout.
 - (2) Subtract the starting date of the current employment period from the effective freeze date (no more than 28 calendar days prior to the notice of layoff) to obtain years, months, and days

of employment. If necessary, use the following formula to convert total continuous service hours.

1 Year = 2,080 hours

1 Month = 174 hours

1 Day = 5.8 hours

(3) Subtract any noncreditable time from the total continuous service hours.

4. Step 4: Determine the preference right of the most senior affected employee first, then proceed to the next most senior, etc., as follows:
- a. Convert any identified frozen positions to their proper classification and classification level. Refer to Attachment A for an example of how to properly include frozen positions in a bump chain.
 - b. Convert any identified State Transitional Manager positions to the appropriate new professional managerial classification to which the employee is moving. The employee first applies preference to positions in the classification level held prior to transfer to the transitional managerial position.
 - c. If any of the identified positions are entry through experienced level professional positions, convert Departmental Trainee or State Transitional Professional positions to the appropriate professional classification. Group all entry through experienced classification levels within a series as though they are one. The least senior employee within the class series is bumped first. See Attachment B for an example of the correct application of employment preference into entry-through journey-level professional positions.
 - d. If any of the identified positions are entry through experienced level business and administrative technician positions, convert State Transitional Business and Administrative Technician positions to the appropriate technician class series. Group all entry through experienced classification levels within a series as though they are one. The least senior employee within the class series is bumped first.
 - e. If any of the identified positions are in (1) Equitable Classification Plan, Group 4; (2) Senior Executive Service (SES); or (3) Senior Executive Management Assistant Service (SEMAS) classifications, the employee applies preference to positions in the classification level held before appointment to the Group 4, SES, or SEMAS position or to positions in a classification level in a former class series for

which the employee previously attained status, whichever minimizes loss of pay.

- f. If necessary, determine which subclass code requirements the affected employee meets. An employee may apply preference only if the employee has been assigned one or more of the same subclass codes at or above the classification level of the position to which the employee is bumping.
 - g. Eliminate from consideration any positions for which the employee does not meet the selective position requirement or subclass code requirements.
 - h. If necessary, contact civil service staff for assistance in determining employee qualifications.
 - i. Using the seniority listing, identify the least senior position in the classification or classification series, at the current or lower level, that will minimize loss of pay. Employment preference cannot be applied to a higher classification level regardless of whether the employee previously attained status. All probationary employees without status are considered to have zero hours of total continuous service.
 - j. Using the seniority listing, determine if the affected employee can bump into the current classification level within the county or as designated in an approved departmental layoff plan. If no bump is available, repeat Step 4 at standard N.4.
5. Step 5: Once all employee preference rights to NERE classifications have been exhausted, the employee may be eligible to apply preference to positions covered by a collective bargaining agreement.

5. PROCEDURE

Responsibility	Action
Appointing Authority	<ol style="list-style-type: none"> Identifies the positions that will be abolished for reasons of administrative efficiency. Converts all affected frozen and State Transitional Manager, State Transitional Professional, Departmental Trainee, and State Transitional Business and Administrative Technician positions to their proper classification level.


Responsibility	Action
Appointing Authority	<ol style="list-style-type: none"> 3. Explores lateral job change possibilities of the more senior employees occupying the identified positions. 4. Determines the employees who will be affected by the RIF (see the guidelines for determining eligibility to apply employment preference above). 5. Issues written notice to affected employees no less than 15 calendar days prior to the effective date. 6. Prepares a listing of all affected employees and attachments, which includes the following information: <ol style="list-style-type: none"> a. Name of employee. b. Employee ID number. c. Continuous service hours. d. Current classification level. e. County location of current position. f. Action to occur (i.e., layoff or involuntary transfer). g. Effective date of action. h. New classification level, and county, if applicable. i. Current employment history. 7. Processes the personnel actions in the HRMN for layoff or job change. 8. Prepares documentation to add employees to recall lists in accordance with civil service rules and regulations.

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CONTACT

Questions regarding this regulation should be directed to the Department of Civil Service, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; by telephone, at 517-373-3048 or 1-800-788-1766; or by e-mail to MDCS-BHRS@michigan.gov.

NOTE: Regulations are issued by the State Personnel Director, under authority granted in the *State of Michigan Constitution* and the *Michigan Civil Service Commission Rules*. Regulations that implement Commission Rules are subordinate to those Rules.

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ATTACHMENT A

CONVERSION OF FROZEN POSITIONS WHEN APPLYING PREFERENCE

NOTE: Employment preference can only be applied to the (A) employee's current classification level then to the (B) proper classification level of the current frozen position if the employee meets the minimum qualifications or (C) to a lower classification in the current class series or (D) to the same or lower classification in a former class series for which the employee previously attained status, whichever minimizes the loss of pay.

BEFORE THE RIF

Position A

Position Code – DEPTMGR4A01N
Classification Level – Departmental Manager 15
Smith—20 years

Position B

Position Code: DEPMGR3FA02N
Classification Level – Departmental Manager 14
Frozen
Jones – 15 years

Position C

Position Code: DEPTMGR3A03N
Classification Level – Departmental Manager 14
Gomez– 10 years

Position D

Position Code: DEPMGR3FA04N
Classification Level – Departmental Manager 14
Frozen
Baker – 9 years

Position E

Position Code: DEPTMGR2A05N
Classification Level – Departmental Manager 13
Goldstein – 5 years

1. Position A is to be abolished. Smith has 20 years of employment preference credit but is the least senior Departmental Manager 15 employee. Smith must bump down to a Departmental Manager 14 position.
2. The least senior Departmental Manager 14 is Baker. Baker occupies Position D, a frozen position. Because Position D would otherwise be in Smith's bumping chain, Position D must be reclassified to its proper classification level (Departmental Manager 13).
3. Smith does not bump into Position D because it is now a vacant Departmental Manager 13 position. Instead, Smith bumps the now least senior Departmental Manager 14 employee, Gomez, who occupies Position C.
4. Gomez exercises employment preference beginning at the Departmental Manager 14 level. Assuming no available bump at the 14 level, Gomez becomes eligible to bump to the vacant Position D, formerly occupied by Baker, which has been properly classified at a Departmental Manager 13.

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5. Baker will exercise preference beginning at the Departmental Manager 14 level. Assuming no available bump at the 14 level, Baker becomes eligible for Position E, whose employee has only five years of seniority.
6. Position B is also a frozen Departmental Manager 14 position. However, due to seniority, Jones does not appear in any bumping chain. Therefore, Position B remains frozen at a Departmental Manager 14.

AFTER THE RIF

<u>Position A</u> is abolished

<u>Position B</u> Position Code: DEPMGR3FA02N Classification Level – Departmental Manager 14 Frozen Jones – 15 years

<u>Position C</u> Position Code: DEPTMGR3A03N Classification Level – Departmental Manager 14 Smith– 20 years
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<u>Position D</u> Position Code: DEPTMGR2A04N Classification Level – Departmental Manager 13 Gomez– 10 years
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<u>Position E</u> Position Code: DEPTMGR2A05N Classification Level – Departmental Manager 13 Baker – 9 years
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The former employee in Position E, Goldstein, has bumped to a position at a lower level or was laid off.

NOTE: These are examples that could occur and are not inclusive of all situations. Questions regarding employment preference of specific frozen positions should be referred to the Bureau of Human Resource Services.

ATTACHMENT B
BUMPING INTO PROFESSIONAL ENTRY THROUGH EXPERIENCED LEVEL
PROFESSIONAL POSITIONS

NOTE: Employment preference can only be applied to the employee's current classification level then to a lower classification in the current class series or to the same or lower classification in a former class series for which the employee previously attained status, whichever minimizes the loss of pay.

BEFORE THE RIF

<p style="text-align: center;"><u>Position A</u> Position Code: PERMALTA01N Classification Level – Personnel Management Analyst 12 Miller--11 years</p>	<p style="text-align: center;"><u>Position B</u> Position Code: PERMALTA02N Classification Level: Personnel Management Analyst 12 Roberts--8 years</p>
<p style="text-align: center;"><u>Position C</u> Position Code: PERMALTEA03N Classification Level – Personnel Management Analyst 11 Carter--8 years</p> <p style="text-align: center;">Position Code: PERMALTEA03N Classification Level – Personnel Management Analyst P11 Chan--7 years</p> <p style="text-align: center;">Position Code: PERMALTEA03N Classification Level – Personnel Management Analyst 10 Thelen--18 months</p>	<p style="text-align: center;"><u>Position D</u> Position Code: PERMATREA04N Classification Level - Personnel Management Analyst Trainee 9 Davis--6 years</p>

- Positions A and B are to be abolished and are the least senior Departmental Analyst 12 positions. Miller and Roberts must both bump to lower level positions. Employees in positions C and D, are the lowest seniority employees in the 9 through P11 class series. Position D must be converted to its proper class series, Personnel Management Analyst, and Positions C and D must be considered as though they are all at equal levels.
- Miller, the employee in Position A, would bump the least senior employee in the Personnel Management Analyst class series—Thelen with 18 months of experience. Since Miller meets the experience qualification, would immediately be classified at the P11 level.
- Roberts, the employee in Position B, would bump the next least senior employee in the Personnel Management Analyst series—Davis, with six

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years of experience. Roberts would be placed in Position C and would immediately be classified at the P11 level.

4. Thelen has no bump available in the Personnel Management Analyst class series and is laid off.

AFTER THE RIF

<p><u>Position A</u> Position Code: PERMALTAA01N is abolished</p>	<p><u>Position B</u> Position Code: PERMALTAA02N is abolished</p>
<p><u>Position C</u> Position Code: PERMALTEA03N Classification Level – Personnel Management Analyst P11 Carter--8 years</p> <p>Position Code: PERMALTEAN03N Classification Level – Personnel Management Analyst P11 Miller-11 years</p> <p>Position Code: PERMALTEA03N Classification Level – Personnel Management Analyst P11 Roberts--8 years</p> <p>Position Code: PERMALTEA03N Classification Level – Personnel Management Analyst P11 Chan-7 years</p>	<p><u>Position D</u> Position Code: PERMATREA04N is abolished</p>

Davis, the former employee of Position D was able to apply preference to a position in the classification that he held before appointment to the trainee position.